

From: [Steve Duggins](#)
To: [Josh Wood](#)
Cc: [David Zeitlin](#); [Bob Boston](#)
Subject: Re: White v. BCBST - Meet & Confer re: Partial Motion to Dismiss
Date: Friday, December 9, 2022 3:49:59 PM
Attachments: [image001.png](#)

External Message

Can you send me the separate emails referenced in the email you attached?

Thanks.

-Steve

Stephen S. Duggins
Law Office of Stephen S. Duggins
8052 Standifer Gap Road, Ste. B
Chattanooga, TN 37421
(423) 635-7113 (t)
(423) 635-7114 (f)

From: Josh Wood <Joshua.Wood@wallerlaw.com>
Sent: Friday, December 9, 2022 4:19 PM
To: Steve Duggins <steve@stevedugginslaw.com>
Cc: David Zeitlin <David.Zeitlin@wallerlaw.com>; Bob Boston <Bob.Boston@wallerlaw.com>
Subject: RE: White v. BCBST - Meet & Confer re: Partial Motion to Dismiss

Steve - Sorry to have missed you this morning. I'm around this afternoon and on Monday, if either work for you?

Meantime, our concerns with the Amended Complaint mirror most of the concerns highlighted below. We don't believe the Amended Complaint sufficiently sets forth a claim for breach of contract. In the Amended Complaint, you all allege that Mr. White was promised severance in his original offer letter, but his offer letter included no such promise. As a courtesy for your reference, I've attached a copy of that offer letter.

Thanks,
Josh

Josh Wood
Partner - Labor & Employment Group
o: (615) 850-8596 | c: (615) 364-0522
[LinkedIn](#) | [vCard](#) | [Bio](#)

From: Steve Duggins <steve@stevedugginslaw.com>
Sent: Friday, December 9, 2022 7:09 AM

To: Josh Wood <Joshua.Wood@wallerlaw.com>
Cc: David Zeitlin <David.Zeitlin@wallerlaw.com>; Bob Boston <Bob.Boston@wallerlaw.com>
Subject: Re: White v. BCBST - Meet & Confer re: Partial Motion to Dismiss

External Message

Hi, Josh. Would between 10:00 and 12:30 (eastern) today work for you?

Thanks.

-Steve

Stephen S. Duggins
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From: Josh Wood <Joshua.Wood@wallerlaw.com>
Sent: Thursday, December 8, 2022 12:45 PM
To: Steve Duggins <steve@stevedugginslaw.com>
Cc: David Zeitlin <David.Zeitlin@wallerlaw.com>; Bob Boston <Bob.Boston@wallerlaw.com>
Subject: FW: White v. BCBST - Meet & Confer re: Partial Motion to Dismiss

Steve - We still have some concerns regarding Count III in the Amended Complaint and wanted to check in before filing a Partial Motion to Dismiss. Do you have availability to chat later this afternoon, tomorrow, or sometime Monday?

Please let us know and we'll get it scheduled.

Thanks,
Josh

Josh Wood
Partner - Labor & Employment Group
o: (615) 850-8596 | c: (615) 364-0522
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From: Josh Wood
Sent: Thursday, October 20, 2022 1:24 PM
To: Steve Duggins <steve@stevedugginslaw.com>
Cc: Bob Boston <Bob.Boston@wallerlaw.com>; David Zeitlin <David.Zeitlin@wallerlaw.com>
Subject: White v. BCBST - Meet & Confer re: Partial Motion to Dismiss

Steve - We received a courtesy copy of the Complaint you recently filed in the above-

referenced matter (I don't think BCBST has been formerly served yet) and we wanted to touch base with you regarding Count III alleging breach of contract. We believe that Count III is facially and substantively deficient as a matter of law and we are considering filing a Partial Motion to Dismiss. However, before doing so, the Court requires that the parties confer in good faith to determine whether any defects can be cured by filing an amended pleading (see D.E. 5).

Count III tacks on a breach of contract claim but there are no factual allegations regarding the existence of a contract between BCBST and White -- much less any contract that guaranteed White severance upon termination. We also do not believe there is a good-faith basis to assert that BCBST and White entered into a contract guaranteeing White post-separation severance benefits because no such contract (or promise or agreement) exists (or ever existed). Accordingly, we do not believe that an amendment will cure this defect. Nevertheless, as the Court requires, we wanted to reach out and discuss with you prior to filing our Motion.

Can we schedule a call to further discuss? Please let us know what works for you and we'll get it scheduled.

Thanks,
Josh

waller

Josh Wood

Partner - Labor & Employment Group

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